

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HILARIO ORTIZ CALDERON,

Defendant.

CASE NO. CR15-5133BHS

ORDER

This matter comes before the Court on the Defendant's Unopposed Motion to Continue Trial Date. The Court, having considered the unopposed motion and the Defendant's speedy trial waiver, makes the following findings of fact and conclusions of law:

1. Defense counsel requests a continuance of the trial date in order to allow time for resolution of pretrial motions, which were filed on September 24, 2015.

2. The defense needs additional time to explore all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(7)(B)(ii).

1        3. Taking into account the exercise of due diligence, a continuance is necessary to allow  
2 the defendant the reasonable time for effective preparation his defense, to explore resolution of  
3 this case before trial and to ensure continuity of defense counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

4        4. Proceeding to trial absent adequate time for the defense to prepare would result in a  
5 miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(i).

6        5. The ends of justice served by granting this continuance outweigh the best interests of  
7 the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A) and (B).

8        6. Defendant waived speedy trial through February 29, 2016.

9        NOW, THEREFORE, IT IS HEREBY ORDERED

10        That the trial date is continued from October 27, 2015 to January 12, 2016 at 9:00 a.m.;  
11 Pretrial Conference is set for January 4, 2016 at 2:30 p.m. The resulting period of delay from  
12 September 24, 2015, to January 12, 2016 is hereby excluded for speedy trial purposes under 18  
U.S.C. § 3161(h)(7)(A) and (B)

13        Dated this 30<sup>th</sup> day of September, 2015.

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16        BENJAMIN H. SETTLE  
17        United States District Judge  
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